



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 10

1200 Sixth Avenue
Seattle, WA 98101

1.6.1

May 30, 2001

Reply To

Attn Of: ECL-115

FROM: Monica Tonel, Site Assessment Manager
Site Assessment and Cleanup Unit 2

Monica Tonel

TO: Bill Brooks
State Department

SUBJECT: Columbia River sediment sampling, northeast Washington

BACKGROUND

EPA Region 10 is conducting a preliminary sampling investigation of the Upper Columbia River in northeast Washington. This is being conducted in response to a Preliminary Assessment Petition submitted by The Confederated Tribes of the Colville Indian Reservation and concerns raised by the Spokane Tribe of Indians. The Columbia River flows from Canada into the U.S. through the state of Washington. Planned field sampling activities in Canada include the collection of sediment samples to help determine "background" levels for the Upper Columbia River site. Ideally, background samples are located outside the influence of potential contaminant sources. EPA considers Lower Arrow Lake and portions of the Upper Columbia River in Canada to be outside the influence of potential contaminant sources.

PURPOSE

The purpose of this memo is to provide information regarding the Region's coordination efforts with Canada authorities and recent communication with the Canadian Department of Foreign Affairs and International Trade (DFAIT).

Coordination: Early this year, the Region has been coordinating its planned field sampling activities with BC Ministry of Environment, Lands and Parks (BC MELP; Nelson BC) and Environment Canada (Vancouver, BC). Based on discussions with BC MELP, the Region proceeded in seeking the appropriate forms and preliminary clearance from US Customs, Canada Customs and Canada Immigration. Additionally, BC MELP and Environment Canada have identified staff that will be available to accompany EPA field crew throughout the sampling event in Canada and are prepared to collect split samples, if determined necessary. EPA projected to begin sampling in Canada around the last week of May or first week of June 2001.

USEPA SF



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Other EPA Headquarter offices briefed by the Region on a regular or as needed basis: Pete Christich (Office of International Activities; Jocelyn Adkins (Office of General Counsel); Cindy Coldiron (OECA, International Enforcement and Compliance Division)

Communication with DFAIT (chronology):

5/7/2001 This meeting was attended by EPA Region 10, BC MELP, Environment Canada, and DFAIT. Meeting Agenda is provided in Attachment 1.

DFAIT raised liability type questions, i.e. potential liability of Canada government for possible cleanup or any other actions by EPA. EPA agreed to set up a follow-up call where EPA Region 10 attorneys could address these questions.

5/9/2001 The follow-up call was held with DFAIT, Environment Canada and EPA attorneys.

EPA discussed liability of potentially responsible parties under the EPA Superfund process emphasizing that this is a preliminary sampling event to determine whether further detailed sampling is necessary.

EPA also discussed the purpose of collecting "background" sediment samples in Canada.

DFAIT had no further questions for EPA seeking only the addition of language in the draft Letter of Intent to include more information on the purpose of sampling in Canada AND the addition of language regarding contractor claim for injury.

5/10 EPA sent revised draft LOI to Environment Canada for inclusion of language regarding claim for injury.

wk of 5/21 EPA contacted Environment Canada to discuss the status of the draft LOI.

EPA was informed that DFAIT has raised additional questions/issues regarding EPA's sampling in Canada, e.g. reciprocal arrangement if situation were reversed.

Mark Fisher, Foreign Policy Advisor, U.S. Transboundary Division, Canadian DFAIT was identified as DFAIT's point of contact.

5/25 EPA Region 10 attorney's contacted Mark Fisher. Per Mr. Fisher there are concerns by the community regarding EPA's sampling in Canada.

EPA described to Mr. Fisher the preliminary site assessment process and discussed liability of potentially responsible parties under the Superfund program.

Mr. Fisher said he would brief his management and contact Monica Tonel (EPA Site Assessment Manager) on 5/31.

5/28 Monica Tonel contacted Mark Fisher. Realizing Mr. Fisher still needed to brief his management, Ms. Tonel informed Mr. Fisher that EPA's field crew had 1 to 2 days of sampling along the Columbia River in Washington and then they would be ready to collect samples in Canada.

Mr. Fisher said he would see what he could do to brief his management.

5/28 Mark Fisher informed Monica Tonel that he did not have an opportunity to brief his management stating that his Governor needs to be briefed and they are working on the briefing material. Also stated this is a priority among several other priorities they are working on.

5/28 Amber Wong (EPA Region 10, Unit Manager, Site Assessment and Cleanup Unit 2) contacted Mark Fisher to discuss EPA's planned sampling in Canada.

Per Mr. Fisher:

- he needs to brief his Governor and other department heads
- he is not able to reveal what the concerns are
- mentioned protocol issues, i.e. regional office should send letter to D.C. asking them to engage Canada on this
- DFAIT can't support this activity at this time
- did not want to commit to any time frame for resolving this issue
- when asked, did not provide other points of contact indicating that the Region would just get a similar response

Mark Fisher agreed to contact Amber Wong on 5/31/2001 with an update.

5/29 EPA contacted The Colville Confederated Tribes and the Spokane Tribe of Indians to inform them of the change in planned field activities and EPA's discussions with DFAIT.

The Tribes expressed grave concern over these recent developments emphasizing that the Colville Confederated Tribes have aboriginal territory in Canada in the general

area of where the "background" samples are located. Further stating that Tribal lands in the state of Washington bordering the Columbia River are being impacted by hazardous substances from potential contaminant sources in the U.S. and in Canada for which they have petitioned EPA to assess and investigate.

Thank you for your time and prompt attention to this matter. Should you need any additional information or have any further questions, please do not hesitate to contact Amber Wong at (206) 553-4061 or myself at (206) 553-0323.

Attachment 1 Meeting Agenda, 5/7/2001
Attachment 2 draft Letter of Intent prepared by EPA and BC MELP
Attachment 3 EPA correspondence to Mark Fisher of DFAIT, 4/20/2001

May 2nd 2001

**UPPER COLUMBIA RIVER/LAKE ROOSEVELT-EPA SITE INVESTIGATION
AND
OTHER COLLABORATIVE TRANSBOUNDARY EFFORTS**

**MEETING BETWEEN US EPA, DEPT OF FOREIGN AFFAIRS AND INTERNATIONAL TRADE,
ENVIRONMENT CANADA, BC ENVIRONMENT**

MONDAY MAY 7TH 2001, 10:00

**1200 WEST 73RD STREET
VANCOUVER AIRPORT SQUARE
VANCOUVER BC
7TH FLOOR BOARDROOM**

DRAFT AGENDA

- 1) Introductions
- 2) Clarification of roles, responsibilities, remedial assessment/risk assessment process, authorities under federal or provincial law, and possible linkages
 - US EPA, including a discussion of pre-remedial site assessment process, context of investigations and next steps
 - DFAIT
 - Environment Canada
 - BC Environment
- 3) Purpose of EPA's sampling in Canada, who will be conducting the sampling, scope of sampling to be conducted, status of sampling plan (technical discussion)
 - Discuss Letter of Intent for EPA Sampling Activities in Canada
 - Establish contact people, communication protocols, and schedule
- 4) Discuss informal arrangement between BC Environment and EPA to collaborate on transboundary issues such as the Cominco Trail Operations Ecological Risk Assessment
 - Establish contact people, roles, communication protocol and schedules

LIST OF PARTICIPANTS

US EPA

Bruce Duncan, Ecologist, Office of Environmental Assessment, Risk Evaluation Unit
Cami Grandinetti, Remedial Project Manager, Superfund Program
Monica Tonel, Site Assessment Manager, Superfund Program
Amber Wong, Unit Manager, Site Assessment and Cleanup, Superfund Program

Environment Canada

Janice Boyd
Dave Fraser
Larry Funnell

Cdn Department of Foreign Affairs

Mark Fisher
Patrick Higgins

BC Environment

Mike Macfarlane
David Ranson
Julia Beatty



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10
1200 Sixth Avenue
Seattle, WA 98101**

DRAFT DOCUMENT

**LETTER OF INTENT
between
United States Environmental Protection Agency (USEPA),
Environment Canada
and
British Columbia Ministry of Environment, Lands and Parks
(BC MELP)**

1. USEPA, Environment Canada and BC MELP agree to coordinate and communicate with each other with respect to field sampling activities to be conducted by USEPA at the Columbia River/Lake Roosevelt site ("the Site") which includes sample collection activities in the United States and Canada. This letter is intended to ensure that USEPA fully coordinates and communicates its planned field sampling activities and schedule with Environment Canada and BC MELP prior to conducting any sample collection activities in Canada.

2. USEPA intends to provide Environment Canada and BC MELP with a copy of the sampling plan for the Site and contact Environment Canada and BC MELP to coordinate and discuss planned field activities and schedules. Key contacts under this letter of intent are:

For USEPA: Monica Tonel
Site Assessment Manager
U.S. EPA Region 10
1200 Sixth Ave. (ECL-115)
Seattle, Washington 98101
(206) 553-0323 phone/(206) 553-0124 fax
tonel.monica@epa.gov

For Environment Canada:

For BC MELP:

Julia Beatty
Environmental Assessment, Section Head
BC MELP
#401 - 333 Victoria Street
Nelson BC V1L 4K3
250) 354-6750 phone/(250) 354-6367 fax
Julia.Beatty@gems4.gov.bc.ca

3. USEPA wishes to access and collect sediment samples north of the international border, from locations along the Columbia River, the Pend Orielle River, Arrow Lake, and the Kootenay River. Surface water samples may be collected from these areas as determined necessary by USEPA. The samples will be used to determine "background" levels for the Lake Roosevelt site. The "background" concentrations will be compared to the results of samples collected from Lake Roosevelt south of the international border. Ideally, background samples are located outside the influence of contaminant sources. Lower Arrow Lake, the Kootenay River and areas along the Columbia River are considered by EPA to be outside the influence of potential contaminant sources. Other sediment samples to be collected from the Columbia River, Pend Orielle River and a limited number of tributaries will be used for site characterization purposes.

Samples will be analyzed for metals, pesticides, polychlorinated biphenyls (PCBs) and other substances as determined necessary, e.g. semi-volatile organic compounds and volatile organic compounds.

Environment Canada and BC MELP understand that these samples are being collected in relation to USEPA's on-going investigation of hazardous substance contamination at Lake Roosevelt and the upper Columbia River from potential contaminant sources in the United States and Canada. The data generated will be used by EPA to determine the Site's potential for inclusion on the National Priorities List (NPL). The purpose of the NPL under the Superfund program is to identify sites where releases of hazardous substances or pollutants and contaminants are priorities for further detailed investigations.

4. In order to facilitate USEPA's sample collection activities in Canada, Environment Canada and BC MELP intend to provide access to USEPA, its authorized field personnel and to Roy F. Weston, Inc., an authorized USEPA contractor, to perform activities as directed by USEPA.

5. USEPA intends to provide Environment Canada and BC MELP with early notice of its planned schedule. Additionally, Environment Canada and BC MELP may accompany USEPA and its authorized contractors during the field sampling event.

6. Environment Canada and BC MELP may request split samples from

Julia Beatty
Environmental Assessment, Section Head
BC MELP
#401 - 333 Victoria Street
Nelson BC V1L 4K3
250) 354-6750 phone/(250) 354-6367 fax
Julia.Beatty@gems4.gov.bc.ca

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6. Environment Canada and BC MELP may request split samples from

USEPA.

7.

8. The undersigned, being duly authorized, have signed this agreement.

Michael F. Gearheard, Director
Office of Environmental Cleanup
U.S. EPA Region 10

Date

Environment Canada

Date

Scott Benton, Regional Director
Kootenay Region
BC MELP

Date



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10
1200 Sixth Avenue
Seattle, WA 98101

Attachment 3

April 20, 2001

Reply To
Attn Of: ECL-115

Mark P. Fisher, Foreign Policy Advisor
United States Transboundary Division
Canadian Department of Foreign Affairs
and International Trade
Lester B. Pearson Building, Floor A-6
125 Sussex Drive
Ottawa, Ontario K1A 0G2

Re: USEPA Sampling in Canada - Upper Columbia River

Dear Mr. Fisher:

Thank you for your time in speaking with me regarding the draft Letter of Intent for access by the USEPA to locations along the Columbia River in Canada.

The purpose of this letter is to provide information requested by Brian Wilson, Regional Director, Environment Canada. In Mr. Wilson's letter of April 17, 2001, he requested information on the following: who will be conducting the sampling, the purpose of the sampling, what samples we want to collect and by what methods, where and when the collections are proposed, and how the data will be used.

Please find enclosed information pertinent to Mr. Wilson's request. I hope you find it helpful and please feel free to call me should you have additional questions or information needs. I can be reached at (206) 553-0323.

Sincerely,

A handwritten signature in cursive script that reads "Monica Tonel".

Monica Tonel
Site Assessment Manager
Site Assessment and Cleanup Unit 2
Office of Environmental Cleanup

Enclosure

Who will be conducting the sampling?

Sampling activities will be conducted by Roy F. Weston, Inc. (WESTON). WESTON is an authorized contractor of the United States Environmental Protection Agency (USEPA Superfund Technical Assessment and Response Team Contract Number 68-S0-01-02) and is acting as field investigators for EPA. The field sampling team is composed of personnel from WESTON's Seattle office and possibly one team member from the United States Forest Service (USFS). USFS has offered to assist EPA in this sampling effort by providing trained personnel. WESTON will subcontract the services of a boat guide/operator located in Canada.

What samples does EPA plan to collect and by what methods?

EPA plans to collect sediment and surface water samples. A copy of the Standard Operating Procedure (SOP) for these sampling methodologies is included with this transmittal.

When are the collections proposed?

EPA plans to begin sampling in Canada in late May 2001. This may change depending on the completion of WESTON's sampling activities along the Columbia River south of the international border.

Where are the collections proposed?

EPA proposes to collect sediment samples from:

- Lower Arrow Lake
- The Kootenay River
- the Columbia River just downstream of Hugh Keenleyside Dam
- the tributary near Stoney Creek Landfill
- the Columbia River upstream of its confluence with the Pend Orielle River
- the Pend Orielle River near Waneta and Seven Mile Dams
- tributaries to the Pend Orielle River, i.e. Cedar and Church Creeks
- the Columbia River near the international border

EPA proposes to collect a surface water sample from:

- Lower Arrow Lake behind the Hugh Keenleyside Dam

What is the purpose of the sampling?

Sediment samples from Lower Arrow Lake, the Kootenay River and downstream of the Hugh Keenleyside Dam will be collected to determine "background" levels for the upper Columbia River/Lake Roosevelt site ("the Site"). Ideally, background samples are located outside the influence of contamination from the site. Lower Arrow Lake, the Kootenay River and the Columbia River just downstream of Hugh Keenleyside Dam is considered by EPA to be